

REMARKS

Claims 3-24, 34-46 and 59-60 remain in the application.

Careful review and examination of the subject application are noted and appreciated. Particularly appreciated is the indication of allowable subject matter over the prior art in various claims of the application as filed. The non-elected claims have been canceled, and the remaining claims have been amended in accordance with the claims indicated to be allowable over the prior art. It is therefore believed that all claims 3-24, 34-46 and 59-60 remaining in the application are allowable at this time.

Questions will be addressed in the order set forth in the Office Action.

Election/Restrictions

The non-elected claims have been canceled in order to advance prosecution of the present application. This claim cancellation, however, is without inference of abandonment of the subject matter recited in such non-elected claims, and without prejudice to applicants' right to file one or more divisional or other continuing applications directed to the subject matter of the non-elected claims and entitled to the filing date of the present application.

Drawings

The Examiner has objected to the drawings, suggesting that the drawings fail to show the S-shaped radially outwardly facing surface on the liner disk. Applicants maintain that the drawings as filed clearly show the S-shaped surface, such as at 56,58,60 in FIG. 6. However, in order to advance prosecution of the application, applicants have

canceled the recitation of the “S-shaped radially outwardly facing surface” from claims 4, 18 and 40. The objection to the drawings therefore is moot.

Claim Objections

Claims 3, 11 and 23 have been amended as suggested by the Examiner to overcome the objections to these claims. It is noted that these amendments are strictly clerical in nature, and do not affect the scope of the respective claims.

Claim Rejections - 35 USC 112

Applicants respectfully traverse the Examiner’s claim rejection under 35 USC 112. New independent claim 59 (former allowable claim 2/1) recites a two-piece plastic closure that includes a shell and a disk loosely retained within the shell parallel to but separate from the base wall. The application text and drawings clearly disclose the structure so recited, including for example the shell 28 and the disk 46 in the embodiment of FIGS. 1-6. In this particular embodiment, the disk 46 is retained within the shell 28 by the shell internal bead 66. However, this bead retention is not a necessary or indispensable part of the invention in its broadest aspects. 35 USC 112, second paragraph requires that the claims particularly point out and distinctly claim the subject matter which applicants regard as their invention, which in claim 59 does not include a specific manner in which the disk is retained within the shell.

The Examiner asks: “How is the disk retained in the closure shell parallel to but separate from the shell base wall?” As noted above, the disclosed embodiments retain the disk by means of an internal bead on the shell skirt. However, recitation of this bead is neither necessary nor required in accordance with the broadest aspects of the invention.

Indeed, it is noted that the references cited by the Examiner to support the prior art rejection disclose separate disk retention by an internal bead on the closure skirt or by the internal threads on the closure skirt.

The Examiner also asks: "Is the disk always separate from the base wall? Or is it maintained in this configuration in an unsealed configuration with respect to the associated container"? This question is not understood. The disk does not become fused to the closure shell when the closure is assembled to a container.

Allowable Subject Matter

New claim 59 corresponds to original and allowable claim 2/1 without amendment. Claims 3-15 have been amended where appropriate to depend from new claim 59.

Claims 16-24 have been allowed.

New claim 60 corresponds to original and allowable claim 33/32/31/25 without amendment. Claims 34-37 have been amended where appropriate to depend from new claim 60.

Claims 38-46 have been allowed.

Therefore, all claims remaining in the application have been allowed, have been indicated to be allowable over the prior art, or depend from claims that have been indicated to be allowable over the prior art.

It is therefore believed and respectfully submitted that all claims 3-24, 34-46 and 59-60 remaining in the application are allowable at this time, and favorable action is respectfully requested.

Please charge any fees associated with this submission to Account No. 15-0875 (Owens-Illinois).

Respectfully submitted,

REISING, ETHINGTON, BARNES,
KISSELLE, P.C.

By 

Robert C. Collins

Reg. No. 27,430

Telephone (248) 689-3500

Facsimile (248) 689-4071

RCC :bu